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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	Case No.: 2:99-cr-363-APG-LRL
)	
Plaintiff,)	
)	
vs.)	Stipulation to Extend the Deadline for
)	Government's Response to Defendant's
)	§ 2255 motion
FRANK DARWIN ALEXANDER,)	
)	
Defendant.)	
)	

IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre, Acting United States Attorney, and Elizabeth O. White, Assistant United States Attorney, counsel for the United States of America; and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public Defenders, counsel for Frank Darwin Alexander, to submit the following Stipulation to extend the due date for Government's response to Mr. Alexander's motion to vacate, set aside, or correct criminal convictions and sentence pursuant to 28 U.S.C. § 2255 until May 31, 2017.

This Stipulation is entered into for the following reasons:

1. Mr. Alexander filed an abridged motion to vacate under 28 U.S.C. § 2255 on June 22, 2016; and filed a supplemental motion on December 20, 2016. ECF No. 15, 17. On

1 March 31, 2017, this Court ordered the government to file a response to the Motion and
2 Supplemental Motion by May 1. ECF No. 19.

3 2. In the four weeks since the Court issued its order directing the government to file its
4 response, the assistant United States attorney responsible for preparing that response has
5 prepared and filed 14 other court-ordered responses to motions to vacate under 28 U.S.C.
6 § 2255 and approximately 50 other responses to motions and notices ancillary to pending
7 § 2255 motions. In addition, she has filed court-ordered responses to two petitions for
8 rehearing *en banc* in the Ninth Circuit, and has prepared for and appeared at a contested
9 2255 motions hearing and a sentencing hearing. She has a court-ordered response to a
10 petition for a writ of mandamus due in the Ninth Circuit next Thursday, and an opening
11 brief in an affirmative government appeal due next Friday.

12 Consequently, government counsel requests additional time to review, research, and
13 prepare the government's response to Mr. Alexander's § 2255 motion. For that reason, the
14 parties agree to a 30-day continuance, from May 1, 2017 to May 31, 2017 for the
15 government to file its response.

16 DATED this 28th day of April, 2017.

17 RENE L. VALLADARES
Federal Public Defender

STEVEN W. MYHRE
Acting United States Attorney

18 By: s/ Nisha Brooks-Whittington
19 Nisha Brooks-Whittington
Asst. Federal Public Defenders
20 *Counsel for Mr. Alexander*

By: s/Elizabeth O. White
Elizabeth O. White
Appellate Chief and
Assistant United States Attorney
Counsel for the United States

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 -oOo-

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 FRANK DARWIN ALEXANDER,

8 Defendant.

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10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Response deadline is May 31, 2017.

12 Dated: May 1, 2017.

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UNITED STATES DISTRICT JUDGE